

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH

OPERATING ENGINEERS LOCAL 66,)	
AFL-CIO AND CONSTRUCTION)	
INDUSTRY COMBINED FUNDS, INC.,)	2:20-CV-01995-CCW
AS AGENT FOR THE BOARD OF)	
TRUSTEES OF OPERATING ENGINEERS)	
LOCAL 66 ANNUITY AND SAVINGS)	
FUND, OPERATING ENGINEERS)	
CONSTRUCTION INDUSTRY AND)	
MISCELLANEOUS PENSION FUND,)	
INTERNATIONAL UNION OF)	
OPERATING ENGINEERS, OPERATING)	
ENGINEERS LOCAL 66 WELFARE)	
FUND;)	
)	
Plaintiff,)	
)	
vs.)	
)	
EAST COAST PAVING & SEAL)	
COATING, INC., BARBARA S. HASSON,)	
BARRY MILES,)	
)	
Defendants,)	

REPORT AND RECOMMENDATION

Cynthia Reed Eddy, Chief United States Magistrate Judge.

I. RECOMMENDATION

It is respectfully recommended that judgment be entered in favor of the Plaintiffs, Operating Engineers Local 66, AFL-CIO and Construction Industry Combined Funds, Inc. and against Defendant Barbara S. Hasson in the amount of \$77,760.92 plus additional interest from April 13, 2021 at a rate of 1% per month or \$16.53 per day for Count II and in the amount of \$4,772.21 plus additional interest from April 13, 2021 at the rate of 1% per month or \$1.24 per day for Count III.

II. REPORT

The instant lawsuit was initiated on December 23, 2020. The complaint was served upon Defendant Barbara S. Hasson on March 9, 2021, and after no appearance was entered for Defendant, default was entered against Defendant Hasson on April 8, 2021. Thereafter, Plaintiffs moved for default judgment pursuant to Federal Rule of Civil Procedure 55.

Under Federal Rule of Civil Procedure 55(a), the clerk may enter judgment against a party where the plaintiff's claim is for a sum certain or a sum that can be made certain by computation and the plaintiff submits an affidavit showing the amount due. Fed. R. Civ. P. 55(a). Here, Plaintiffs seek a sum certain, or a sum that can be made certain by computation and submitted an adequate affidavit showing that they are entitled to the judgment amount of \$77,760.92 plus additional interest from April 13, 2021 at a rate of 1% per month or \$16.53 per day for Count II and in the amount of \$4,772.21 plus additional interest from April 13, 2021 at the rate of 1% per month or \$1.24 per day for Count III.

Accordingly, it is respectfully recommended that the district judge enter the proposed order and judgment set forth at ECF No. 12-2.

III. CONCLUSION

Therefore, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72, and the Local Rules for Magistrates, the parties have until **May 3, 2021** to file objections to this report and recommendation. Failure to file timely objections will constitute a waiver of any appellate rights. *Brightwell v. Lehman*, 637 F.3d 187, 193 n. 7 (3d Cir. 2011). Plaintiffs shall serve a copy of this Report and Recommendation upon Defendant Hasson at her last known address(es) via regular first-class mail.

Dated: April 19, 2021.

Respectfully submitted,

s/Cynthia Reed Eddy

Chief United States Magistrate Judge

cc: Honorable Christy Criswell Wiegand
via CM/ECF electronic filing

Counsel of record
via CM/ECF electronic filing